## OPTIS.039A

PATENT

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant

Bernhard B. Sterling et al.

Appl. No.

10/055.875

Filed

January 21, 2002

For

REAGENT-LESS WHOLE-

BLOOD GLUCOSE METER

Examiner

Roy Punnogeo

Art Unit

2877

## STATEMENT OF HEIDI M. SMITH

Commissioner for Patents F.O. Box 1450 Alexandria, VA 22313-1450

#### Doar Sir:

I, Heidi M. Smith, declare as follows:

- I am a citizen of the United States residing at 32931 Monrovia Street, Union City,
   CA 94587.
- 2. I understand that the above-referenced patent application was filed on January 21, 2002, with a Declaration signed by the following persons who were identified as inventors of the subject matter claimed in the patent application: Bernhard B. Sterling, Philip C. Hartstein, Kenneth I. Li, Mark D. Agostino, David C. Klonoff, Robert D. Gaffinsy, Peng Zheng, Jennifer H. Gable, Kenneth G. Witte, Heldi M. Smith, Jane J. Sheill, Mike A. Munrow, W. Dale Hall, Daniel S. Goldberger, Martin J. Fennell, Julian M. Cortella, James R. Braig, and Peter Rule.
- 3. I believe that I, Heidi M. Smith, should not be named as an inventor in the above-referenced patent application.
  - The inventorship error occurred without deceptive intention on my part.

PAGE 5124 \* RCVD AT 3126/2004 1:17:06 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-1/2 \* DNIS:8729306 \* CSID: \* DURATION (mm-ss):05-36

Appl. No.

10/055,875

Filed

Jenuary 21, 2002

I declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or document, or any registration resulting therefrom.

Dated: 12/24/0

Heidi M. Smith

HADOCEMHIKIMIK 66ELDOG 120105 APED.ETTTO

PATENT

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant

Bembard B. Sterling et al.

Appl No.

10/055,875

Filed

January 21, 2002

For

REAGENT-LESS WHOLE-

BLOOD GLUCOSE METER

Examiner

Roy Punnoose

Art Unit

2877

## STATEMENT OF JANE J. SHEILL

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

#### Dear Sir.

- I, Jane J. Shelli, decigre as follows:
- I am a citizen of the United States residing at 8070 Mandarin Ayenne, Newark, CA 94560.
- 2. I understand that the above-referenced patent application was filed on January 21, 2002, with a Declaration signed by the following persons who were identified as inventors of the subject matter claimed in the patent application: Bernhard B. Stading, Philip C. Hartstein, Kenneth I. Li, Mark D. Agostino, David C. Klonoff, Robert D. Gaffney, Peng Zhang, Januare H. Gable, Kenneth G. Witte, Heidi M. Smith, Jane J. Shaill, Mike A. Munrow, W. Dale Hall, Daniel S. Goldberger, Martin J. Fennetl, Julian M. Cortella, James R. Braig, and Peter Rule.
- 3. I believe that I, Jane J. Shelll, should not be named as an inventor in the above-referenced patent application.
  - The inventorship error occurred without deceptive intention on my part.

PAGE 7/24 \* RCVD AT 3/26/2004 1:17:06 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-1/2 \* DNIS:8729306 \* CSID: \* DURATION (mm-ss):05-36

Appl. No.

10/055,875

Filed

January 21, 2002

I declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so reads are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or document, or any registration resulting therefrom.

Dated: _	12/24	103	
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Jene I Shelli

HADOCZ/MIKIMIK-6696/DOC,

OPTISL039A

PATENT

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant

Bembard B. Sterling et al.

Appl. No.

10/055,875

Filed

Jenuary 21, 2002

For

REAGENT-LESS WHOLE-

BLOOD GLUCOSE METER

Exeminer

Roy Punnoose

Art Unit

2877

## STATEMENT OF MARTIN I. FENNELL

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

#### Door Sir.

I, Martin J. Fennell, declare as follows:

- 1. I am a citizen of the United Kingdom residing at 4832 Springwood Circle, Fairfield, CA 94585.
- 2. I understand that the above-referenced patent application was filed on January 21, 2002, with a Declaration signed by the following persons who were identified as inventors of the subject matter claimed in the patent application: Bembard B. Sterling, Philip C. Hartstein, Kenneth I. Li, Mark D. Agostino, David C. Klonoff, Robert D. Gaffhey, Peng Zheng, Jennifer H. Gable, Kenneth G. Witte, Heidi M. Smith, Jane J. Sheill, Mike A. Munrow, W. Dale Hall, Daniel S. Goldberger, Martin J. Fennell, Julian M. Cortella, James R. Braig, and Peter Rule.
- I believe that I, Martin J. Fennell, should not be named as an inventor in the above-referenced patent application.
  - The inventorship error occurred without deceptive intention on my part.

PAGE 9/24 \* RCVD AT 3/26/2006 \*\* 177:06 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-1/2 \* DNIS:8729306 \*\* CSID: \* DURATION (mm-ss):05-36

Appl No.

10/055,875

Filed

January 21, 2002

I declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or document, or any registration resulting therefrom.

Dated: 1/04/04

Martin J. Fernett

\$2400C5\MTK\MUK-6597.DQC 120905 OPTIS.039A

PATENT

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant

Bernhard B. Sterling et al.

Appl. Nd.

10/055,875

Filed

January 21, 2002

For

REAGENT-LESS WHOLE-

BLOOD GLUCOSE METER

Examiner

Roy Punnagge

Art Unit

2877

# AND CONSENT OF ASSIGNEE TO TAKE ACTION AND CONSENT OF ASSIGNEE UNDER 37 C.F.R. § 1.48

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

#### Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A copy of the original Assignment (not yet recorded) is attached hereto. The Assignment represents the entire chain of title of this invention from the inventors to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or impossomment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing theorem.

PACE 11/24 \* RCVD AT 3/26/2004 1:17:06 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-1/2 \* DNIS:8729306 \* CSID: \* DURATION (mm-ss):05:36

Appl. No.

10/055,875

Filed

January 21, 2002

The undersigned hereby consents to a change in inventorship deleting Heidi M. Smith, Jane J. Sheill and Martin J. Fennell from the above-captioned patent application.

Please use Customer No. 20,995 for all communications.

OPTISCAN BIOMEDICAL CORPORATION

Dated: 1-14-2004

James R Braig

Title:

Chief Technical Officer

Address:

1105 Ailentic Ave.

Suite 101

Alameda, CA 94501

12/00C\$\MIK\MIK-6693,00C

Application No.: 10/055,875 Filing Date: January 21, 2002 PATENT Client Code: OPTIS,039A

Page 1 of 13

## ASSIGNMENT

WHEREAS, We, Bernhard B. Sterling, a U.S. citizen, residing at 882 El Pintado Road, Sunnyvale, CA 94086; Philip C. Hartstein, a U.S. citizen, residing at 21076 Grenola Drive, Cupertino, CA 95014; Kenneth I. Li, a U.S. citizen, residing at 53 Calvert Court, Piedmont, CA 94611; Mark D. Agostino, a U.S. citizen, residing at 2041 Alameda Ave., #3, Alameda, CA 94501; David C. Klonoff, a U.S. citizen, residing at 2958 Arguello Drive, Burlingame, CA 94010; Robert D. Gaffney, a U.S. citizen, residing at 11 Irving Avenue, Atherton, CA 94027; Peng Zheng, a U.S. citizen, residing at 15 Souza Court, Alameda, CA 94502; Jennifer H. Gable, a U.S. citizen, residing at 2204 LaSalle Drive, Walnut Creek, CA 94598; Kenneth G. Witte, a U.S. citizen, residing at 1547 Petersen Avenue, San Jose, CA 95129; Mike A. Munrow, a U.S. citizen, residing at 2718 Belmont Canyon Road, Belmont, CA 94002; W. Dale Hall, a U.S. citizen, residing at 432 Hudson Street, Oakland, CA 94618; Daniel S. Goldberger, a U.S. citizen, residing at 644 College Avenue, Boulder, CO 80302; Julian M. Cortella, a U.S. citizen, residing at 3826 Alameda De Las Pulgas, Menlo Park, CA 94025; James R. Braig, a U.S. citizen, residing at 280 Mountain Avenue, Piedmont, CA 94611; and Peter Rule, a U.S. citizen, residing at 24183 Hillview Road, Los Altos Hills, CA 94024, have invented certain new and useful improvements in a REAGENT-LESS WHOLE-BLOOD GLUCOSE METER for which we have filed an application for Letters Patent in the United States, Application No. 10/055,875, Filed on January 21, 2002;

AND WHEREAS, OPTISCAN BIOMEDICAL CORPORATION (heromafter "ASSIGNEE"), a California Corporation, with its principal place of business at 1105 Atlantic Avenue, Suite 101, Alameda, CA 94501, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all provisional applications relating thereto, and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEB, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 6 day of laurany, 2001

Bernhard B. Sterling

STATE OF California } country of Alameda } 55.

On Jan. 16, 3004 before me Michele Laubach, personally appeared Bernhard B. Sterling personally known to me (expressed in our the basis of satisfactory evidence) to be the person whose name is subscribed

Application No.: 10/055,875 Filing Date: January 21, 2002 PATENT Client Code: OPTIS.039A Page 2 of 13

to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

TESTIMONY WHEREOF, I hereunto set my hand and seal this 16

WITNESS my hand and official seal.

MICHELE LAUBACH
Commission # 12/1536
Notory Public - Collionis
Alomedo County
My Contin. Eggles Mi 22, 2004

Michelle Haubacke

STATE OF California | ss. county of Alameda | ss.

MICHELE LAUBACH
Commission # 1271536
Notary Public - Collomia
Akamedo County
My Commulaphes \$4 22,2004

On <u>Jan. 16. 2004</u>, before me, <u>Michele Laubach</u>, personally known to me (or preved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

Michele Jaubach.
Notary Signature

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 16th day of hunary, 2004

Kenneth I. Li

COUNTY OF Alameda } 88.

On Jan - 16, 2004, before me, Michele Lauback, personally appeared Kenneth I. Li personally known to me (or proved to me vir the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

MICHELE LAUBACH
Contentision # 1271536
Natary Public - Colitorala
Alameda County
My Control Batter 14122, 2004

Michele Jan back

PAGE 14/24 \* RCVD AT 3/26/2004 1:17:06 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-1/2 \* DNIS:8729306 \* CSID: \* DURATION (mm-ss):05-36

Application No.: 10/055,875 Filing Date: January 21, 2002 PATENT Client Code: OPTIS.039A

Page 3 of 13

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 30

Dec.

20<u>03</u>

Mark D. Agostino

STATE OF California | ss

on <u>Dec. 30, 3005</u> before me, <u>Michele Laubach</u>, personally appeared Mark D. Agostino personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official scal.

[SBAL]

MICHELE LAUBACH
Commission # 1271536
Notory Public - Colifornia
Alomeda County
My Comm. Equires Jul 22, 2004

PAGE 15/24 \* RCVD AT 3/26/2004 1:17:06 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-1/2 \* DNIS:8729306 \* CSID: \* DURATION (mm-cs):05-36

Application No.: 10/055,875 Filing Date: January 21, 2002 PATENT Client Code: OPTIS.039A

Page 4 of 13

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 10 day of JANUARY

Wand C. Klenoff 1/0/64

COUNTY OF SAN MARES }

On O1-10-2004, before me, MIKHAL GREGORY NAVBERG, personally appeared David C. Klonoff personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SBAL]

William Georg Darkery
Notary Signature



# PACE 16/24 \* RCVD AT 3/26/2004 1:17:06 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-1/2 \* DNIS:8729306 \* CSID: \* DURATION (mm-ss):05-36

Application No.: 10/055,875 Filing Date: January 21, 2002 PATEN'T Client Code: OPTIS.039A

Page 5 of 13

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 26

26 Ply of Decem Ler, 2003

Robert D. Gaffney

STATE OF California } ss.

On <u>Dec. 26, 300</u> before me, <u>Michele Lautach</u>, personally appeared Robert D. Gaffney personally known to me (el proved to me on the basis of artisticolory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official scal.

[SEAL]

MICHELE LAUBACH
Contribidon & 12/18%
Noticy Public - Colleges
Alemente County
My Correr, Epitor A422, 2004

PAGE 17/24 \* RCVD AT 3/26/2004 1:17:06 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-1/2 \* DNIS:8729306 \* CSID: \* DURATION (mm-ss):05-36

Application No.: 10/055,875
Piling Date: January 21, 2002

PATENT Client Code: OPTIS.039A

Page 6 of 13

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this

Jan.\_\_\_\_, 20<u>0</u>4

Peng Zhong

STATE OF California ; country of Alameda }

On Jan. 16, 2004 before me, Michele Laubach, personally appeared Peng Zheng personally known to me (or proved to me on the basis of catisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

MICHELE LAUBACH
Commission # 1271534
Notary Public - California
Alameda Caunty
My Contra Espires Jul 22, 2004

PAGE 18124 \* RCVD AT 3/26/2004 1:17:06 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-1/2 \* DNIS:8729306 \* CSID: \* DURATION (mm-s-3):05-36

Application No.: 10/055,875 Filing Date: January 21, 2002 PATENT Client Code: OPTIS.039A

Page 7 of 13

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 15 day of 5

( funf

STATE OF California | COUNTY OF Alameda | 81

On <u>Jan.15</u>, <u>Joot</u>, before me, <u>Michele Laubach</u>, personally appeared Jennifer H. Gable personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that she executed the same in her authorized capacity, and that by her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

MICHELE LAUBACH
Constrision # 1271836
Notory Public - Collector
Akemedia County
My Corrett, Explored At 22, 2004

PACE 19/24 \* RCVD AT 3/26/2004 1:17:06 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-1/2 \* DNIS:8729306 \* CSID: \* DURATION (mm-ss):05-36

Application No.: 10/055,875 Filing Date: January 21, 2002	PATENT Client Code: OPTIS.039A Page 8 of 13
IN TESTIMONY WHEREOF, I hereunto set my hand and seal this  Kenneth G. W	-16W-11-
STATE OF California   SS.	MICHELE LAUBACH Commission # 1271534 Notery Public - Cofforma Admedia County My Commission & 22, 2004
On Jan 16, 2004, before me, Michele Laubach per known to me (or proved to me on the basis of satisfactory evidence) to be the instrument, and acknowledged to me that he executed the same in his author instrument the person, or the entity upon behalf of which the person acted, exe	17PA CONOMIN and that his signature of Al
WITNESS my hand and official seal.	1
[SEAL] Motary Signatu	ele Jaubach_
IN TESTIMONY WHEREOF, I hereunto set my hand and seal this  Mike A. Munro	Mune
STATE OF California	MICHELE LAUBACH
STATE OF Californice   COUNTY OF Alamede   88.	Contribution # 1271536  Notary Public - Colifornia #  Admissic County  My Contrib Bishes M 22, 2004
On Jan. 16, 2004 before me, Michele Laubac personally known to me (or proved to me on the basis of satisfactory evidence to the within instrument, and acknowledged to me that he executed the same signature on the instrument the person, or the entity upon behalf of which the p	c) to be the person whose name is subscribed  in his authorized capacity, and that by his
WITNESS my hand and official seal.	1
[SEAL] Liche Notary Signatus	h Janbach
Notary Signature IN TESTIMONY WHEREOF, I hereunto set my hand and seal this	16th day of January 2004
W. Dale Hall	Ante Hall
No.	
COUNTY OF Alameda, ss.	
county of Alameday	

PAGE 20124 \* RCVD AT 312612004 1:17:06 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-112 \* DNIS:8729306 \* CSID: \* DURATION (mm-ss):05-36

Application No.: 10/055,875 Filing Date: January 21, 2002 PATENT Client Code: OPTIS.039A

Page 9 of 13

on Jan-16, 2004, before me, Michele Laubach, personally appeared W. Dale Hall personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official scal,

[SEAL]

MICHELE LAUBACH
Continuision # 1271536
Notory Public - Cofficinic
Alamedia County
My Contri, Biolice Jul 22, 2004

Notary Signature

KWOB

PACE 21/24 \* RCVD AT 3/26/2004 1:17:06 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-1/2 \* DNIS:37/9306 \* CSID: \* DURATION (mm-ss):05:36

Application No.: 10/055,875 Filing Date: January 21, 2002 Client Code: OPTIS.039A

Page 10 of 13

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this

STATE OF California

COUNTY OF Alameda

On Jan. 5, 2004 before me, Michele Laubach, personally appeared Daniel S. Goldberger personally known to me (exproved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument,

WITNESS my hand and official seal.

[SEAL]

PAGE 22/24 \* RCVD AT 3/26/2004 1:17:06 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-1/2 \* DNIS:8729306 \* CSID: \* DURATION (mm-ss):05-36

Application No.: 10/055,875 Filing Date: January 21, 2002 PATENT Client Code: OPTIS.039A

Page 11 of 13

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 26 day of December , 200

Julian M. Cortella

STATE OF California COUNTY OF Alameda

On <u>Dec. 26, 2002</u> before me, <u>Michele Lambach</u> personally appeared Julian M. Cortella personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official scal.

[SEAL]

MICHELE LAUBACH
Continuesion # 1271536
Notory Public - Collication
Alameda County
My Contra Explas A122, 2004

PAGE 23/24 \* RCVD AT 3/26/2004 1:17:06 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-1/2 \* DNIS:8729306 \* CSID: \* DURATION (mm-ss):05-36

Application No.: 10/055,875 Filing Date: January 21, 2002 PATENT Client Code: OPTIS.039A

Page 12 of 13

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 14 day of

Jan , 200

faubach

James R. Braig

STATE OF CAMPORNIA

COUNTY OF Alameda

58.

On <u>Jan. 16, 2004</u>, before me, <u>Michele Laubach</u>, personally appeared James R. Braig personally known to me (exproved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]

MICHELE LAUBACH
Commission # 1271534
Natary Public - California
Alameda County
My Corrett Butter Jul 22, 2004

PAGE 24/24 \* RCVD AT 3/26/2004 1:17:06 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-1/2 \* DNIS:8729306 \* CSID: \* DURATION (mm-ss):05-36

Application No.: 10/055,875 Filing Date: January 21, 2002 PATEN'T Client Code: OPTIS.039A

Page 13 of 13

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this

day of January, 2004

Peter Rule

STATE OF California COUNTY OF Alameda

On <u>Tan 13,3004</u> before me, <u>Michalle faulbach</u>, personally appeared Peter Rule personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

[SBAL]

Michely Jaubach
Notary Signature

. H:\DOC\$\MJK\MJK-6664.DOC:ip/112503

My Connt Biples M 22, 2004

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My Conntrato

My